

## Fighting inequalities in AIDS treatment

Judge **Edwin Cameron** tells **Pat Sidley** he would like to leave the AIDS debate but can't until it becomes rational and truthful

It is all too easy to assume that Judge Edwin Cameron's background matches that of many white lawyers in South Africa: middle class, privileged, English speaking, and "left liberal." He also looks the part of the average white South African, sporty, outdoors-type: tall, well built, and handsome.

An Appeal Court judge at age 49, Cameron is seen as an icon of moral resistance to the present South African government's eccentric HIV/AIDS policies. His law career has paralleled that of many lawyers in South Africa, having worked actively with the law to oppose the previous government's apartheid policies and having become an expert in civil rights and public interest law.

But the similarities end there. Cameron has AIDS, is gay (and open about this), and comes from a background of deprivation and poverty. He was a phenomenon in South Africa, colloquially referred to as a "poor white" and raised in a children's home as his Afrikaans mother could not care for him and his sisters after divorcing his alcoholic and sometimes abusive father.

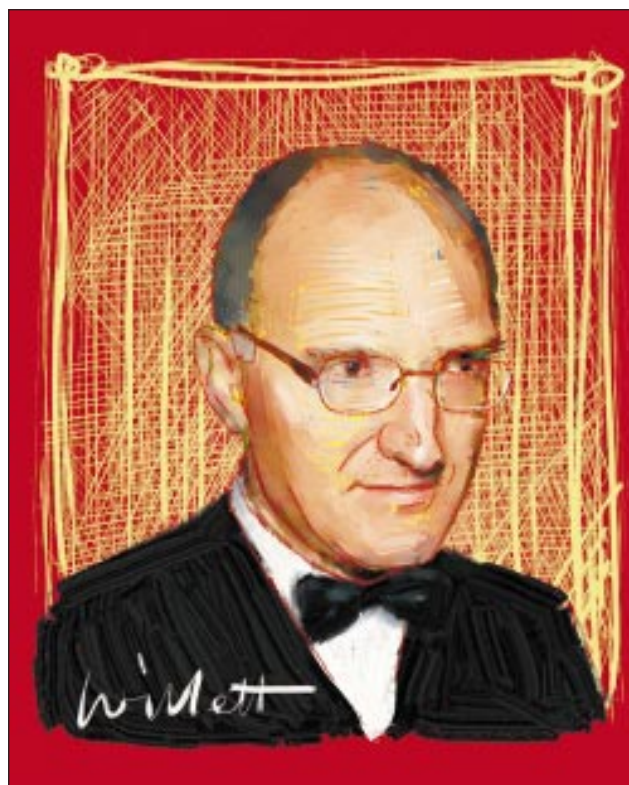
He attended eight schools in almost as many years, but by the time he got to university, the top Afrikaans university of Stellenbosch, his academic prowess had provided him with the means to escape his background.

He has been a prominent figure in South Africa as a lawyer who worked in the human rights and trade union field, but his profile was raised internationally when he spoke at the International AIDS conference in Durban in July 2000. By then the new African National Congress government, which had been elected in 1994 in the country's first non-racial general election, had failed to act meaningfully on the growing AIDS epidemic.

The problem had been compounded immeasurably by President Thabo Mbeki, who had been elected in 1999 and who had decided, inexplicably, to question the causal connection

between HIV and AIDS.

"In our national struggle to come to grips with the epidemic, perhaps the most intractably puzzling episode has been our president's flirtation with those who in the face of all reason and evidence have sought to dispute the aetiology of AIDS," Cameron told 13 000 delegates.



Edwin Cameron called Thabo Mbeki's attitude to AIDS "irresponsibility that borders on criminality"

Referring to a description of Mbeki's attitude as "irresponsibility that borders on criminality," he added: "If this aberrant and distressing interlude has delayed the implementation of lifesaving measures to halt the spread of HIV and to curtail its effects, then history will not judge this comment excessive."

Quite typically for him, he drew attention to the fact that it was only through his privilege as a white judge with a good salary that he was able to live with

AIDS, because he could afford the drugs. He has continued to repeat this refrain while speaking out in favour of making anti-retroviral therapy accessible to people with AIDS.

He had riveted South Africans in 1997 when, interviewed by the Judicial Services Commission for a post as a judge, he had announced that he had AIDS. He said that he made the announcement to bring into the open an issue which was being whispered about and which may have affected his appointment.

By then he had known he was HIV positive for more than 11 years, and had become ill. His choices in taking moral stances

"He is that absolutely rare individual who is a gifted intellectual and a great humanitarian," says Gilbert Marcus, senior counsel at the bar and a fellow lawyer practising through troubled times. Marcus said that Cameron's work during those years was path-breaking in "establishing rights and cutting back the harsh consequences" of resistance at that time.

Marcus points to Cameron's expertise in labour law, which enabled him to write two of the leading textbooks in the field. Trade unions were one of the few areas where black workers could actively organise and express themselves. And it is this area that both men point to when the question arises of how Cameron could work in law in a fundamentally unjust legal system.

"The legal system was an effective way of dealing with oppression," Cameron said, explaining a peculiarly South African paradox. Apartheid had to be enforced through law, and the instrument of law, to be effective, had to have some independence and room in which to work.

Human rights lawyers used those gaps. Marcus refers to the many debates on the issue of working in that environment and said simply that Cameron had "confronted the issue squarely." It was a duty to speak out, he said.

Cameron is saying the same today: "The moral choices of the '80s are replicating themselves in a different form in the 2000s," he said. There was a "crisis of truth" in the apartheid years that posed a similar moral challenge for those dealing with AIDS.

"Normally judges do not speak out and should not. But in my very, very particular circumstances with hundreds of thousands of people dying, many unnecessarily, I have not been able to be silent," Cameron said.

Marcus believes Cameron is the pre-eminent expert on discrimination, a discipline that equipped him well to deal with AIDS and its consequences in South Africa.

"What I would most like to do is shut up and leave the AIDS debate," Cameron says. But this would take a change in the policies and debates around AIDS, which should be both rational and truthful. "I will continue to be a voice, not an activist, and I will not remain silent." □